

09/699,961

MS150612.01/MSFTP140US

REMARKS

Claims 1-7, 18-22, and 31-42 are currently pending in the subject application and are presently under consideration. Claims 8-17, and 23-30 have been canceled. Claims 38-42 are withdrawn, however, applicant's representative reserves the right to seek rejoinder of such non-elected claims upon allowance of the claims. In addition, claims 1, 31 and 33 have been amended herein for clarification purposes to directly address unfounded contentions made in the Office Action as to interpretation of the limitation "plurality of sources". Claim 18 has been amended to address a minor informality. These amendments do not narrow the scope of the claims. Moreover, the claims as originally filed recited a plurality of sources – it is clear that a plurality of sources represents different sources. Contrary to intimations by the Examiner a plurality of sources cannot be equated to common sources. Accordingly, the subject amendments do not raise new issues requiring further search or consideration and entry thereof is requested. A version of all pending claims is presented at pages 2-5.

Applicant's representative thanks the Examiner for the courtesies extended during the teleconference of Nov. 23, 2004 where the deficiencies of the cited art *vis a vis* applicant's claimed invention was discussed.

It is noted that the Office Action (at page 4) incorrectly contends that applicant's representative has made arguments to advance limitations not recited in the claims. Applicant's representative avers to the contrary of such statements in the Office Action – for example, the Examiner notes in connection with the rejection of claims 1-2, 5-7 and 31-32 that ...concurrently effecting transactions with items associated with the ... sources ... is not recited in the independent claims. However, dependent claim 2 as originally filed explicitly recites this feature. In view of at least the foregoing, it appears all claims as filed were not given due and proper consideration. Accordingly, applicant's representative requests that the finality of this Office Action be withdrawn.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

09/699,961

MSI50612.01/MSFTP140US

I. Rejection of Claims 1-2, 5-7, and 31-37 Under 35 U.S.C. §102(e)

Claims 1-2, 5-7, and 31-37 stand rejected under 35 U.S.C. §102(e) as being anticipated by Spiegel *et al.* (US 6,629,079 B1). It is respectfully submitted that this rejection should be withdrawn for at least the following reason. Spiegel *et al.* neither teaches nor suggests each and every limitation of the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The claimed invention provides for a electronic shopping basket component that allows a user to select and retain item descriptions from *a plurality of different/disparate sources* via a drag and drop capability. Once the user is satisfied with the selected items, the user can choose to *concurrently purchase* the items retained in the shopping basket component, including items selected from the *different sources*. Hence, the subject invention allows for a single electronic shopping component to have an association with a *plurality of different sources*. Thus, for example, the user only needs to employ one shopping basket to concurrently effect transactions with *multiple* entities. In particular, independent claim 1 recites that the *...shopping basket component...* allows a user to *...drag and drop representations of identified items from a plurality of different sources*. Independent claim 31 and 33 recites a similar limitation(s). Claim 2 as originally filed recites that an ordering component provides for *concurrent ordering of the identified items from the respective sources*.

Spiegel *et al.* does not teach or suggest the aforementioned features of applicants' claimed invention. Rather, the cited reference discloses the use of multiple shopping baskets associated with a *single, common source*. (See col. 3, ln. 18-19). The multiple shopping baskets can be associated with unique roles/contexts of a user, thereby facilitating organization of shopping events associated with the *common source*. More particularly, each shopping cart is intended to be used when a user is purchasing items from a common source in different

09/699,961

MS150612.01/MSFTP140US

respective roles (e.g. work and personal use). (See col. 4, ln. 6-12). Hence, a user during a single shopping experience can employ multiple carts where each shopping cart has associated with it appropriate billing and shipment information related to a particular role. (See col. 4, ln. 16-22).

The Examiner contends that the cited reference discloses that items can be selected from a plurality of Web pages or different URLs (See col. 1, ln. 35 – col. 2, ln. 54-67, and col. 6, ln. 65 – col. 7, line 1) that reside on *a common server system*. (See Fig. 4, col. 6, ln. 62).

Applicant's representative respectfully submits that such a *common server system* is a single source and not *a plurality of different sources*, as recited in independent claim 1. The cited reference discloses interacting with a *single server engine* (See Fig. 4, col. 6, ln. 62-63), but not *one or more registered servers* let alone *wherein the at least two items from disparate sources can concurrently reside within the electronic shopping basket* as recited in independent claim 33. More particularly, it is readily apparent that the web pages and/or URLs disclosed in Spiegel *et al.* are associated with a single source that provides various items for purchase – each web page may display different items but the respective web pages are associated with a single source that carries out the provisioning and purchasing transactions. Moreover, the very notion of employing multiple carts further supports that a single source is being interacted with since the purpose of using multiple carts is to differentiate various roles of a user within a shopping experience with a single source. For example, the cited reference teaches that a user can use multiple carts (each with different shipping addresses) to effect purchasing and deliver of gifts to different individuals. See Col. 4, lines 40-50. There is no mention anywhere in the cited reference of using a single cart in connection with purchasing items from a plurality of different sources as in applicant's claimed invention. Hence, it is readily apparent that Spiegel *et al.* does not teach or suggest allowing a user to *drag and drop representations of identified items from a plurality of sources* let alone *providing for concurrent ordering of the items from the respective sources* as in applicant's claimed invention.

In view of at least the forgoing, it is respectfully submitted that Spiegel *et al.* does not teach or suggest applicant's invention as recited in the subject claims, and withdrawal of this rejection is requested.

09/699,961

MS150612.01/MSFTP140US

II. Rejection of Claims 3-4 Under 35 U.S.C. §103(a)

Claims 3-4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Spiegel *et al.* and further in view of Call (US 6,154,738). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Neither Spiegel *et al.* nor Call, individually and in combination, teach or suggest all the limitations as recited in the subject claims.

Claims 3-4 depend from independent claim 1 and Call fails to make up for the aforementioned deficiencies of Spiegel *et al.* regarding this independent claim. Call is simply directed to methods and an apparatus for disseminating over the Internet product information using product codes as access keys. Accordingly, applicant's claimed invention is not obvious over the combination of these references; and this rejection should be withdrawn.

III. Rejection of Claims 18-22 Under 35 U.S.C. §103(a)

Claims 18-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Call and further in view of Spiegel *et al.* It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. There is no motivation to combine the references as suggested absent reliance on applicant's claims and specification as a guide to achieve the combination. Furthermore, even if combined, applicant's claimed invention would not result.

"Under 35 U.S.C. 103 where the examiner has relied on the teachings of several references, the test is whether or not the references viewed individually and collectively would have suggested the claimed invention to the person possessing ordinary skill in the art. It is to be noted, however, that citing references which merely indicated that isolated elements and/or features recited in the claims are known is not a sufficient basis for concluding that the combination of claimed elements would have been obvious. That is to say, there should be something in the prior art or a convincing line of reasoning in the answer suggesting *the desirability of combining the references* in such a manner as to arrive at the claimed invention... [I]t would not have been obvious to modify [the prior art] ... without using [the patent application's] claims as a guide. It is to be noted that simplicity and hindsight are not proper criteria for resolving the issue of obviousness." *Ex parte Hiyamizu*, 10 USPQ2d 1393 (BPAI 1988).

09/699,961

MS150612.01/MSFTP140US

Call discloses allowing a user to click on Internet links to product information, where the activated link sends a request message containing at least a portion of a universal product code via the Internet to a cross-referencing database. (See col. 2, ln. 15-21) The database then returns the *Internet address* of the particular manufacturer's server which then makes the desired product information available. (See col. 2, ln. 23-25) Thus, Call discloses utilizing universal product codes and a database to obtain the *location of product information on the Internet*. (See Abstract)

Independent claim 18 (from which claims 19-22 depend) recites *...linking the representation of each item to a respective description of each item... and associating a shopping basket component with a graphical image on a user interface, wherein the corresponding description of the item will be retained by the shopping basket component*. The Examiner concedes that Call does not disclose the later part of the aforementioned claim limitations. To make up for this deficiency, the Examiner relies upon Spiegel *et al.* as teaching such aspects; and contends that it would have been obvious to a person of ordinary skill in the art to modify Call by incorporating aspects of Spiegel *et al.*

Applicant's representative respectfully submits that there is no convincing line of reasoning suggesting the desirability of combining the cited references in such manner to arrive at the claimed invention absent impermissibly using applicant's specification and claims as a 20/20 hindsight-based roadmap to achieve the purported combination. In particular, since Spiegel *et al.* is not concerned with different sources for items, there would not be a need for a common schema in connection with such items as in applicant's invention. Moreover, while Call discloses returning the Internet address at which information about an identified product may be obtained it is silent towards linking the universal product code of each item to a product description. Thus, even if combined as suggested, applicant's claimed invention would not result.

In view of at least the forgoing, this rejection should be withdrawn.

09/699,961

MS150612.01/MSFTP140US

CONCLUSION

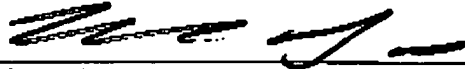
The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP140US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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